IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 25 OF 2005

Ramchandra Ranganath Jadhav ... Appellant

V/s

Anusaya Ramchandran Jadhav & ors. ... Respondents

Mr. M.A. Utagikar for the appellant.

CORAM: P.V. KAKADE, J.
DATED: 13TH JULY, 2005

P.C.:

1. The appellant has preferred this appeal against the judgment and order passed by the Addl. District Judge, Solapur dated 25.2.2004 dismissing the appeal and confirming the judgment and order passed by the Civil Judge, Jr.Divn., Solapur, dated 30.1.2002 decreeing the suit of plaintiff No.1 wife for payment of monthly maintenance whereunder the plaintiff No.1 - wife was awarded monthly maintenance of Rs.500/-, plaintiff No.2 was awarded monthly maintenance of Rs.300/- and remaining plaintiffs were awarded monthly maintenance of Rs.200/- p.m., thereby an amount of Rs.1200/- was awarded by way of monthly maintenance to the plaintiff.

2. The plaintiff filed the suit for maintenance for

herself and her children begotten from the defendant for on the ground that the defendant had refused and neglected to maintain them and they were unable to maintain themselves and the defendant had sufficient means to pay separate maintenance to plaintiff No.1 at the monthly rate of Rs.1000/- and hence the suit for maintenance was filed.

The defendant challenged the suit on the ground that the plaintiff was gainfully employed and, therefore, had no need to be provided with maintenance and it cannot be said that she was unable to maintain herself and the children.

3. The learned Trial Judge, after hearing both parties and on the basis of available evidence adjudicated the dispute and decreed the suit directing the maintenance to be paid in the aforesaid manner.

The appeal was carried to the District Court, Solapur. The learned Addl. District Judge, Solapur, after hearing both parties on the basis of available evidence, came to the conclusion that the findings recorded by the Trial Court were legal and proper and, therefore, the appeal was dismissed and hence the present appeal.

4. I have heard the learned counsel for both parties.

5. At the outset, it may be noted that there is absolutely no substantial question of law involved in this appeal. The only question which is sought to be raised on behalf of the appellant is to the effect that there is evidence on record to show that the plaintiff No.1 wife is gainfully employed and, therefore, the orders of the lower Courts are not legal. However, on perusal of the judgments of both the Courts, it is seen that admittedly plaintiff wife is gainfully employed in Bidi manufacturing shop and gets Rs.200/- p.m. In my view, if we take into account the members of the plaintiff's family, it requires no other evidence to show that it is impossible themselves to maintain with the amount of Rs.200/- p.m. In fact, I am of the considered view that, both the Courts below have taken very conservative view while granting an aggregate maintenance to the tune of Rs.1200/- to all the plaintiffs, however, since there is no cross-appeal, this aspect cannot be taken into account but it must definitely observe that the appellant-defendant is legally bound to pay the monthly maintenance as provided by both the Courts below.

In the result, the appeal has no merit and hence stands dismissed.